

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Bail Appl..No. 6168 of 2015 ()

AGAINST THE ORDER IN CRMC 2002/2015 of D.C. & SESSIONS COURT,KOZHIKODE
DATED 17.09.2015
CRIME NO. 293/2015 OF THIRUVAMBADI POLICE STATION , KOZHIKODE

PETITIONERS /ACCUSED :

1. ANSAR V AGED 26 YEARS
S/O. HYDROSE, VALLISSERRY HOUSE, THAMARASSERY TALUK
KOZHIKODE DISTRICT.
2. SOJIN K.P. AGED 24 YEARS
S/O. PAILO @ SUNNY, KAYATHUMKARA HOUSE, MUNDOOR
THAMARASSERY TALUK, KOZHIKODE DISTRICT.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

R BY PUBLIC PROSECUTOR SMT.R.REMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

AV

A.HARIPRASAD, J.

B.A.No.6168 of 2015

Dated this the 8th day of October, 2015

ORDER

Bail application filed under Sec.439 Cr.P.C.

2. The petitioners are accused in Crime No.293 of 2015 of Tiruvambadi Police Station registered under Sections 326 (A) read with 34 IPC.

3. It is alleged that on 18.08.2015 at about 3.00 a.m., the defacto complainant sustained injuries as the accused persons poured acid on his face. It is contended that, the petitioners came on a motorbike and they signalled to stop the lorry. When the defacto complainant stopped the lorry, accused threw formic acid on the face of the driver causing burns.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. The learned counsel for the petitioners submitted that, version of the prosecution is totally false. The incident happened inside the cabin of the lorry as there was a dispute regarding hitting the lorry on the motorcycle.

6. The learned Public Prosecutor opposed the bail application. According to her, the first accused poured acid from their possession.

7. Considering the nature of allegations and the stage of investigation, bail is granted to the petitioners with the following strict conditions :

i. The petitioners shall be released on bail on their executing a bond for Rs.1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The petitioners shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. on all Mondays and Thursdays of every calender month until the final report is filed.

iv. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

v. The petitioners shall not involve in any other offence during the period of bail.

vi. The petitioners shall surrender their

passport forthwith. If they do not have any passport, they shall file an affidavit before the Magistrate Court.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A.HARIPRASAD, JUDGE

AV

/True Copy/

P.A to Judge